

FAQs for Local Government Solid Waste Management Planning

1. What is the statutory authority for requiring Solid Waste Management Planning?

[Section 10.1-1411](#) of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning. The statute directs that the regulations include all aspects of solid waste management planning, including waste reduction, recycling and reuse, storage, treatment, and disposal. By statute, the regulations must require that consideration be given to the handling of all types of non-hazardous solid waste generated in the region or locality and local and regional solid waste planning units must maintain a minimum twenty-five (25%) or fifteen (15%) recycling rate based on their population density.

2. What are the applicable regulations and where can I find them?

The applicable regulations are the Solid Waste Planning and Recycling Regulations, Amendment 2 (9 VAC 20-130-10 et seq.) which became effective on November 28, 2007. A copy of these regulations can be found and downloaded from:

<http://www.deq.state.va.us/waste/wastereg130.html>

3. What are the requirements for local governments and/or regions to develop revised Solid Waste Management Plans?

The regulations require that every city, county and town in the Commonwealth (or approved region) develop a solid waste management plan or amend an existing solid waste management plan and submit the complete, revised plan for approval.

4. When are the plans due?

Complete, revised solid waste management plans were to be submitted to the department by July 1, 2004 by each planning jurisdiction (city, county, town, or approved region).

5. Where do I submit plans?

Send the completed plans to:

The Virginia Department of Environmental Quality
Attn: Solid Waste Management Planning, Fifth Floor
629 East Main Street
Richmond, VA 23219

6. Is there a prescribed format for plans? Are there mandatory elements for a plan?

The Department does not specify a format for the plans. Sections 30 and 120 of the regulations cover the contents of the plan. However, those preparing plans are urged to read the entire regulation, since it is relatively short.

7. Are there public participation requirements for development of plans?

Yes. Public participation is crucial to the development of an effective solid waste management plan. The public participation requirements are set out at [9 VAC 20-130-130](#). The regulations call for a public notice, a public hearing and citizen advisory committees or public meetings during the development of the plans.

8. Is there a fee required when the plans are submitted? Is there a fee required to amend the plan?

There are no fees required for plan submission or amendments.

9. Is there funding available to develop these plans?

No separate funding is available from the Department for the preparation of plans. The requirement for these regulations and the planning effort is contained in Va. Code Section [10.1-1411](#). This code section do not contain a provision for funding, and the Department does not have additional, separate funds available.

10. How do I form a new region pursuant to submitting a Solid Waste Management Plan?

Sections 180 through 220 of the regulations list the requirements and procedures pursuant to forming a region for the development of a solid waste management plan or the amendment of planning unit boundaries.

11. Our region submitted a Solid Waste Management Plan in 1991 and still has the same membership now. Does the membership have to be re-approved for the 2004 plan?

No. If the region has not changed membership from what was approved, it is not necessary to have the region approved again.

12. What does a region do if one or more of the existing members want to leave?

A change in regional membership follows the process described for a major amendment under the regulations and requires separate public participation, as specified in [9 VAC 20-130-175](#) and [9 VAC 20-130-130](#).

Amendments to regional boundaries of planning regions are also governed by [9 VAC 20-130-220](#). In order to amend a regional boundary to remove a member, the Department will require a letter from the jurisdiction leaving the region, declaring its intent to leave and to prepare its own plan

The governing body or bodies of the region must also submit a letter (application), accompanied by letters from the jurisdictions remaining in the region, acknowledging the change in regional boundary. This is not a permission from the region or remaining jurisdictions for the departing jurisdiction to leave, but rather an acknowledgment. Any contractual obligation to remain in a region lies between the jurisdiction and the region or remaining jurisdictions. Amendment of a region remains separate from designation of a

region, which is governed by other parts of the regulations. Each city, county or town must develop and implement its own plan, if it is not part of a regional plan (Va. Code § [10.1-1411](#)).

13. How often does my plan need to be updated?

On or before each five-year anniversary of the department's plan-approval date, the planning unit shall submit a letter to the department, by mail or electronic mail, certifying that the following plan elements, listed in [9 VAC 20-130-120](#), have been maintained and updated: waste generation estimates are current, the schedule increments have been met, and a projected 20-year waste management capacity remains available or projects otherwise are on schedule to meet the unit's solid waste needs. The letter of certification will be used in the department's assessment of whether any plan amendments are necessary and to ensure compliance with [9 VAC 20-130-110.E](#).

14. How do I amend my plan?

Section [9 VAC 20-130-175](#) (Amendments to plans) explains the amendments and the submittal procedure for both major and minor amendments.

15. What is the difference between Major and Minor amendments?

Section [9 VAC 20-130-175](#) (Amendments to plans) explains the amendments and the submittal procedure. The biggest difference is that major amendments still require the same public participation as required for plan approval and the amendment must be approved prior to implementation. However, minor amendments do not require public participation, as regards to the plan modification, and do not require approval before implementation. Note, some changes to the plan that are considered minor amendments may still require public participation due to the permitting process.

16. What are the consequences if I don't submit a plan?

Since submission of complete, revised solid waste management plans is a regulatory requirement pursuant to statutory directive, failure to submit a plan may be addressed through the Department's compliance and enforcement process. The Department's options range from compliance assistance to enforcement orders with civil charges, depending on all of the facts and circumstances. Parties are urged to work with the Department in order to submit timely, complete plans.

17. Who do I call for more information or if I still have questions?

The Department's principal contact is Mr. Daniel S. Gwinner. He can be reached at (804) 698-4218 or email: dsgwinner@deq.virginia.gov

Note: This list of FAQ's will be updated periodically, as questions are addressed to the Department.